

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



21839

08306 U.S. PTO
10/629713
07/30/03

Sir:

This is a request for filing a [] continuation [X] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/814,779 filed on March 23, 2001, for ELECTRICAL SMOKING SYSTEM AND METHOD, by the following named inventor(s):

(a)	Full Name	Susan E. Wrenn
(b)	Full Name	A. Clifton Lilly, Jr.
(c)	Full Name	Traci L. Franklin
(d)	Full Name	Patrick H. Hayes
(e)	Full Name	Mary Ellen Counts
(f)	Full Name	Wesley G. Sanderson
(g)	Full Name	Brett W. Stevenson
(h)	Full Name	William James Crowe
(i)	Full Name	Charles W. Harris
(j)	Full Name	Donald H. Jones
(k)	Full Name	Barry S. Smith
(l)	Full Name	Jeffrey A. Swepston
(m)	Full Name	Mikhail S. Braunshteyn
(n)	Full Name	James W. Hall

- [] Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- [X] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [X] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name Mary Ellen Counts
- (b) Full Name Patrick H. Hayes
- (c) Full Name William James Crowe

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

☒ Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and/or patent.

☐ Applicant(s) requests that the published application include the following assignment information: .

1. ☒ Enclosed is a copy of the prior Application No. 09/814,779 as originally filed on March 23, 2001, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$750.00 (1001)
Total Claims	32	MINUS 20 =	12	× \$18.00 (1202) =	216.00
Independent Claims	5	MINUS 3 =	2	× \$84.00 (1201) =	168.00
If multiple dependent claims are presented, add \$280.00 (1203)					
Total Application Fee					1134.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$ <u> </u> if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					1134.00

5. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☒ Charge \$ 11345.00 to Deposit Account No. 02-4800 for the fee due.
7. ☐ A check in the amount of \$ _____ is enclosed for the fee due.
8. ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
9. ☒ Cancel in this application original claims 1-27 of the prior application before calculating the filing fee.
10. ☒ New drawings are enclosed.
11. ☐ Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on _ in prior Application No. _, filed on _, and acknowledged by the Examiner on _ in Paper No. _.
- ☐ has not yet been filed.
12. ☒ Please amend the specification by inserting before the first line the sentence:
- ☒ --This application is a ☐ continuation ☒ divisional of Application No. 09/814,779, filed on March 23, 2001 which claims priority under 35 USC §119 and/or §365 to Provisional Application No. 60/191,455, filed in the U.S. on March 23, 2000; Provisional Application No. 60/191,460 filed in the U.S. on March 23, 2000 and Provisional Application No. 60/191,461 filed in the U.S. on March 23, 2000, the entire contents of which are hereby incorporated by reference.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a national stage filing under 35 U.S.C. § 371 of International Application No. _ filed on _.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a continuation of International Application No. __, filed on __.--.
13. ☐ A preliminary amendment is enclosed.
14. ☐ An Information Disclosure Statement is enclosed.
15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

16. ☒ Also enclosed SUBMISSION OF FORMAL DRAWINGS.
17. ☒ The power of attorney in the prior application is to Kevin B. Osborne, Charles E. B. Glenn and the Partners of Burns, Doane, Swecker and Mathis, LLP.
- a. ☐ The power appears in the original papers in the prior application.
 - b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. ☐ Recognize as Associate Attorney .
 - d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Peter K. Skiff
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: July 29, 2003

By:  Rg 36,341

()

Peter K. Skiff
Registration No. 31, 917

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
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☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Attention: DRAFTING BRANCH
)	
Susan E. WRENN et al.)	Confirmation No.: Not Yet Assigned
)	
Application No.: Not Yet Assigned)	Group Art Unit: Not Yet Assigned
)	
Filed: July 30, 2003)	Examiner: Not Yet Assigned
)	
For: ELECTRICAL SMOKING SYSTEM)	
AND METHOD)	
)	
)	

SUBMISSION OF FORMAL DRAWINGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: OFFICIAL DRAFTSMAN


Sir:

Enclosed please find 16 sheet(s) of formal drawings for review by the Patent and Trademark Office. Should the enclosed drawings require changes, it is respectfully requested that the Patent and Trademark Office notify the undersigned of same.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 30, 2003

By:  Reg 36,341
Peter K. Skiff
Registration No. 31,917

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